

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I - EPA NEW ENGLAND  
ATTORNEY CLIENT COMMUNICATION - ENFORCEMENT CONFIDENTIAL**

**DATE:** 7/16/2014

**SUBJ:** GNHWPCA Meeting Summary – 7/15/2014

**FROM:** Jack Melcher, OES Water Technical Unit

**TO:** Mike Wagner, OES Legal Regulatory Unit

**Attendees:**

- EPA
  - Mike Wagner, Attorney
  - Jack Melcher, Technical Staff
- CT DEEP
  - Denise Ruzicka, Division Director
  - George Hicks, Municipal Manager
  - Stacy Pappano, Staff Engineer
- GNHWPCA
  - Sid Holbrook, Executive Director
  - Gabe Varca, Finance Director
  - Tom Sgroi, Chief Engineer
  - Jane Stahl, Legal Consultant
  - Isabella Schoeder, Technical Consultant

**Summary:**

EPA staff met with representatives of the Greater New Haven Water Pollution Control Authority (“GNHWPCA”) and the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) on July 15, 2014 at the CT DEEP’s offices in Hartford, CT to discuss the status of the GNHWPCA’s Combined Sewer Overflows (“CSOs”) and Sanitary Sewer Overflows (“SSOs”).

CSOs

Jane Stahl (consultant for GNHWPCA) and Michael Wagner each shared their understanding of the status of updates to GNHPWCA’s Long Term Control Plan (“LTCP”). Jane said that it would make sense to put affordability to the side for the moment, since this had been an impediment to progress in the past. Michael stated that in light of the monitoring data that revealed that CSO flows were much less than previously believed, GNHWPCA should perform a new System Characterization. After the System Characterization was complete, an Alternatives Analysis should be prepared that considers a full range of control options, including complete elimination of CSOs.

Tom Sgroi said that proposed weir height changes will reduce flow to the West River by about half, reducing total flows from about 110 million gallons per day (MGD) to about

90 MGD. Other on-going efforts include sewer separation, Inflow and Infiltration (“I/I”) reduction projects, and improvements to the Truman Storage Tank.

Denise said she wanted to be careful about the use of the word “eliminate” given the ambiguity that has arisen in other cases. Michael explained that eliminate could mean that overflow structures, such as one created by the Massachusetts Water Resources Authority in Boston, would not be permitted, but enforcement action would also not be taken so long as discharges were extremely rare. Michael said that elimination should always be the goal, but cost must be considered as interim measures are planned.

Tom said GNHWPCA could consider complete elimination when it revises its LTCP, as this had not been considered in previous plans due to the high cost. Jane said that she was concerned that the goalposts are being changed, and perhaps the cost estimation for full separation would not even be worth the trouble since it was clearly cost-prohibitive.

Denise pointed out that to comply with changes in Connecticut state law, resiliency should also be considered in LTCP revisions. Denise said that a revised LTCP would explore the “art of the possible” and not preclude any future options for a higher level of control. Denise also noted that affordability will need to be dealt with eventually.

Tom said that the model task order would be issued soon and the model would be completed approximately next spring. He said that the deliverables would not include an analysis of pollutant loads.

Jack said that the System Characterization was a more comprehensive model update than was done in 2008, and that impacts on receiving waters should be analyzed. Michael said that EPA does not want to create unnecessary expense for GNHWPCA and EPA would review exactly what was required.

Tom said that, due to the lower flows, GNHWPCA will explore substituting green infrastructure for tanks. Tom emphasized that GNHWPCA is currently raising weirs and performing I/I work to go after “low hanging fruit” to reduce CSOs. GNHPWCA has submitted a Two Year Bid Schedule that outlines current projects.

Michael asked for a break to speak with George Hicks about GNHPWCA’s projects in the pipeline.

Following the break, Michael said that EPA would be comfortable with GNHPWCA, in the short term, pursuing low-hanging fruit projects and performing the system characterization, while in the medium term accelerating updates to the treatment facility that would increase the primary treatment capacity. Michael proposed the following schedule:

- Now:
  - Begin System Characterization
  - Pursue low-hanging fruit
- April 1, 2015:

- System Characterization complete
  - Begin Alternatives Analysis
  - Begin design and bidding of second phase of treatment facility improvements
- June 1, 2015:
  - Check-in on Alternative Analysis
- April 1, 2016:
  - Alternatives Analysis complete
- October 1, 2017:
  - Design and bidding of second phase of treatment facility improvements complete
  - Begin construction of second phase of treatment facility improvements
- October 1, 2021:
  - Complete construction of second phase of treatment facility improvements

Gabe said that GNHWPCA could not say yes or no to the proposal at the meeting. Jane said that the City of New Haven would have to be consulted due to their obligations to help pay for the treatment facility upgrade, which would be to address CSOs. Jane asks for the proposed schedule to be written down and sent to GNHWPCA.

#### SSOs.

Michael explained that EPA had drafted an Administrative Order on Compliance (“AOC”) that EPA would negotiate with GNHWPCA to address SSO issues. The Order commits the GNHWPCA to conducting an assessment of the Capacity, Management, Operations, and Maintenance (“CMOM”) programs and to develop a plan to address any issues found in that assessment.

Sid said that GNHPWCA was still waiting for resolution of issues of the definition of a “bypass” and reporting requirements under state regulations. Sid said that many issues reported were due to problems on private property and not due to GNHPWCA’s collection system. Jack said that the bypasses included in the AOC were all prohibited bypasses caused by backups or other problems in the collection system.

Gabe said that GNHPWCA has changed management of its collection system from a contractor to its own staff since the inspection.

Jane said that GNHWPCA asked if GNHPWCA could sign a letter of agreement with EPA rather than an administrative enforcement action. Michael said that due to requirements from EPA Headquarters, the violations needed to be addressed through an enforcement action. Sid asked Michael if there was anyone that Sid could talk to at EPA Headquarters about addressing the issue with a letter of agreement. Michael said that he would find someone for Sid to talk to.

Jane said that GNHWPCA is updating CMOM Standard Operating Procedures and that they could accommodate EPA’s wishes in substance.

### Summary Discussions

Jane said that it was important for GNHWPCA, CT DEEP, and EPA to maintain their partnership to move forward on CSOs.

Sid asked for direct communication from EPA before any enforcement actions are filed.

Gabe asked Jack for the appendices for the Industrial Economics affordability analysis. Jack said that he didn't think there were any, but he would look into it.

Gabe said that GNHWPCA was eager to make progress, but was limited by what its ratepayers could afford.

#### **Next steps:**

EPA will provide to GNHWPCA:

- Bullet points of proposed CSO schedule; and
- Contact name at EPA Headquarters regarding addressing SSO violations via a letter of agreement

Parties agreed to meet again in September.